

**CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, APRIL 20, 2009**

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	GEORGE FITZGERALD	CLERK
	WILLIAM SOWERBY	TREASURER
	ERNEST HORNUNG	TRUSTEE
	KEN PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE

ABSENT: NONE

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Board Chambers. Also in attendance was Jack Dolan, Township Attorney. The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Mr. Fitzgerald requested the following deletion from tonight's agenda:

Item #1 - Request Variance to Fence Ordinance – 36240 Harcourt

Mr. Fitzgerald requested the following additions:

Item #14 – National Day of Prayer Request

Item #15 – Hiring of Arborist for ITC Issue

Item #16 – Schedule Closed Session to Discuss Update on Labor Negotiations

Motion by Mr. Pearl, supported by Ms. West, to approve the agenda with the deletion and additions as requested. Roll Call: Ayes – Pearl, West, Reynolds, Hornung, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

1. REQUEST VARIANCE TO FENCE ORDINANCE – 36240 HARCOURT

This item was deleted from tonight's agenda.

2. REQUEST TO DISPLAY A FIBERGLASS POOL – 20330 HALL ROAD

Ms. Heather Barrigan, 1556 Eberly Road, Flint, Michigan, replied to inquiry that she is representing the petitioner.

Ms. West inquired as to whether this display is proposed for every weekend or just specific weekends.

Ms. Barrigan replied that they would like approval to display this pool every weekend; however, if the Board would prefer, they would be willing to limit the display to pool season, starting now and going through Labor Day weekend. She replied that they sell these pools at both their Milford location and at Fun Spaces Direct, located at 20330 Hall Road.

Mr. John Codron, Superintendent of the Building Department, replied to inquiry that this would constitute “outdoor storage” according to the ordinance; therefore, the Building Department does not recommend the Board allow this to take place. It is a commercial building not designed for this type of use, and was not site-planned for outdoor storage.

Mr. Sowerby inquired as to whether this would have to go to the Planning Department for a site plan revision to allow the display.

Mr. Codron replied affirmatively.

Mr. Carlo Santia, Director of the Department of Planning and Community Development, indicated that the petitioner would need to revise the site development plan and go before the Planning Commission; however, he cautioned this site is located in the I-1 Light Industrial District, where no outdoor storage is allowed. He added that the business would need to be located in a B-3 General Business District to allow the outdoor display of merchandise for sale.

Mr. Pearl inquired as to whether there was a similar request before the Planning Commission for a site on Gratiot.

Mr. Santia replied there was a similar request for a site on Groesbeck, situated within the B-3 District, but that was denied.

Mr. Pearl was not in favor of approving this request based on the recommendation and information provided by the Department Heads. He did not feel the parcel is zoned properly to allow this type of display.

Motion by Mr. Pearl, supported by Mr. Sowerby, to receive and file the letter dated April 2, 2009 from Mr. Mark Naras, Aquamarine Fiberglass Pools & Spas, Inc., and deny the request to display a fiberglass pool on a truck at Fun Spaces Direct, 20330 Hall Road, on weekends based on the fact that the parcel is not adequately zoned for this type of display. Roll Call: Ayes – Pearl, Sowerby, Reynolds, Hornung, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

3. PRESENTATION BY DIVERSITY IN HIRING COMMITTEE

Ms. West explained that she was fortunate to serve as Chairperson on the Diversity In Hiring Committee. She explained this committee met on a regular basis and the members were collaborative, cooperative and energetic, with cooperation from all of the members. She thanked the members for their participation, and explained that their purpose was to investigate and make recommendations to the Board on ways to increase the number of minority applicants and new hires for positions in the Township. She admitted that, although the Township is not hiring many at this time, the committee felt it is important to put something in place for the future. They met with Human Resources and Civil Service, as well as attorneys representing the Civil Service Commission and the Police/Fire Civil Service, who provided the committee with input and information on current hiring practices. The MCOLES regulations, which are used as the standards for hiring police, make it somewhat cumbersome and cost-prohibitive for minorities to apply because they have to complete the academy or have two years experience before they can even get put on the list. She noted the same also applies for firefighters, who have to have completed their Firefighter I and II training and obtain their paramedic license before they can apply. Ms. West added that there is a barrier in the policy of establishing a two-year list because it prohibits bringing in new people. One of the issues on the committee's list, which involves the Michigan residency requirement, has been changed, thanks to Ms. Lisa Murray, Civil Service Director. Applicants no longer have to be a resident of Michigan for one year prior to completing the application. The committee also decided that there needs to be an increased awareness of positions in the Township and this can be done several ways, including hosting a career fair and placing links on the Township's web site with frequently-asked questions. Producing a local cable television program, showcasing township employees and what they do, is also a possibility. Ms. West stressed they need to continue to post positions on the website, local television, cable, and through Michigan Works!, because these are free resources available and will "get the word out". They need to continue to send the information to local minority churches, and possibly include all southeastern Michigan minority churches. Ms. West explained that all of these suggestions are in the works or are currently being explored, although she admitted that reestablishing an eligibility list every year rather than every two years has an added cost of about \$25,000, which is most likely cost prohibitive at this time.

Mr. Cannon thanked the committee and agreed there a lot of good ideas, many involving minimal or no cost. He agreed that establishing an annual eligibility list is too costly considering the current economy.

Ms. West also thanked Mr. Smith and Ms. Murray for the help they provided to the committee.

Discussion took place regarding whether this should be “received and filed” or whether further action is necessary at this time. The idea of postponing further action for thirty (30) days was mentioned.

Mr. Sowerby felt the intention of establishing this committee was to direct them to bring something forward to approve. He inquired as to the committee’s recommendation.

Mr. Fitzgerald felt there is a lot to review, but he cautioned that the Township must work within the existing collective bargaining agreements. He questioned the purpose of bringing this back in thirty (30) days.

Ms. West did not feel there is anything being proposed that would be in conflict with the agreements of the collective bargaining units. She suggested the Board direct Mr. Cannon and she to work with the affected departments to implement what can be done for little or no cost. She added that the committee also admitted the annual eligibility list may be too costly at this time.

Mr. Sowerby recalled that this committee was established two years ago as a result of citizens expressing their concerns. He did not feel it is the expectation of this committee or the concerned citizens that the Board take no action. He suggested that they may not be able to address every recommended change, especially the costly ones, but he felt the affected department heads should meet with Ms. West, and the specific recommendations should be brought back to the Board.

Mr. Cannon suggested postponing action for ninety (90) days.

Ms. West pointed out that some of the recommendations have already been incorporated. The one-year residency requirement has been changed because Ms. Murray took it to Civil Service. She felt it is important, and offered to sit down with Mr. Cannon and the department heads and continue to work on it.

Mr. Pearl thanked the committee and Ms. West for their work on this important issue. He is aware it will take some time to go through and review the recommendations and how they can be implemented, but he felt it is a good idea to continue.

Motion by Ms. West, supported by Mr. Pearl, to receive and file the “Diversity in Hiring Committee’s Review and Recommendations” as submitted; further, that Ms. West will work with Mr. Cannon on the recommendations brought forth by the committee and will report back to the Board in ninety (90) days as to whether the Township can or cannot implement the recommendations. Discussion ensued.

Ms. Murray pointed out that one of the recommendations made by the committee was to forward any job postings to Michigan Works! and the Michigan Talent Bank. She informed that the Township recently had an opening for a part-time position at the Senior

Center, and they advertised through the Michigan Talent Bank. She replied to inquiry that they received 415 applications.

Roll Call: Ayes – West, Pearl, Reynolds, Hornung, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

4. UPDATE ON ARBORETUM

Mr. Don Green, representing the Arboretum Committee, explained how the concept of developing an Arboretum in Tomlinson Park is becoming a reality. They received approval from the Township Board as long as it would not cost the Township any money, and the committee agreed to that stipulation. Some of the Township staff members served on the committee, and the committee has been extremely successful in making some contacts, and has acquired more land at no cost to the Township. They have been able to obtain a grant from the Department of Environmental Quality and subsequently received matching funds from Resurrection Cemetery, along with the donated services from the architect.

Mr. Santia met with Mr. Green, Mr. Robert Schrage from Resurrection Cemetery, and Mr. Anthony Marrocco, Macomb County Public Works Commissioner. Mr. Marrocco has instructed his staff to transfer ownership of a parcel of land abutting the subject property to the Township, while retaining an easement to the Kukuk Drain. The Township would need to accept that donation of land, and would need to make sure that the design of the arboretum would be in such a way as not to negatively impact the drain. Mr. Santia added that he has had contact with Mr. Robert Hopfner, Road Commission of Macomb County, and was informed that they are willing to install a hike/bike path along the 18 Mile Road right-of-way. There was anticipation at one time that 18 Mile Road would extend further east but that no longer seems likely in the near future. He did not know whether the path would be on the north, south or down the center of the right-of-way, and added that this will need to be discussed further with the Road Commission. Giffels-Webster, architect for the arboretum, is in the process of preparing a conceptual sketch.

Mr. Green explained that when they increased the size of the parcel from 5 acres to 20 acres, the DEQ was pleased and felt this will be a good size. The corporate headquarters of Resurrection Cemetery has indicated they may be willing to spend upwards of \$100,000 on this project, and he stressed this will be a good place for citizens to purchase a memorial. There are already a number of residents who want to dedicate trees, shrubs and bushes, but the committee will be setting up rules and prices. He stressed this is a “work-in-progress” and will not be completed in our lifetime; however, he emphasized that this is a way of being good stewards of the land. The arboretum will be dedicated on Earth Day, which Mr. Green felt is an excellent example of what the Township can do for a “green world”. He invited the public to attend the dedication to be held on Wednesday, April 22, 2009 at 2:00 p.m. and felt it will be no longer than 30 minutes. He introduced Mr. Scott Chabot, Giffels-Webster, who presented their plan for the arboretum.

Mr. Scott Chabot, Giffels-Webster, explained that the first focus will be on two white pine trees that are being dedicated to the arboretum, with the White Pine being Michigan's state tree. The next anticipated step is to start with the focus on aesthetics of the entrance and continue to phase the arboretum as fundraising and other types of donations come in. He stressed that, although the arboretum will be developed a little at a time, it will be important to have a plan to follow so it is not "piecemeal". He indicated there may be prairie grass along the 18 Mile Road corridor and the ITC corridor, where they need low-lying vegetation. They may be looking at a pond, fountain or other water course at a later date, and while they will start with a woodchip path, they may be looking at an asphalt path, gazebo and foot bridges in the future.

Ms. West inquired as to whom residents should contact if they want to plant a memorial tree in the arboretum.

Mr. Green talked to the Director of Finance about setting up an account for this purpose. He cautioned that there is a proper way to fill an arboretum, and it is not a place where people will be allowed to bring in their own trees and plant them. There will be rules set up by the Arboretum Committee, and interested donors will be able to donate the money, get a receipt, the Township will acknowledge the gift, and the donor will be given an anticipated date in which the planting will take place. He stressed it needs to be controlled, and while the committee will consider personal requests, it needs to be done orderly. Mr. Green explained it is a work-in-progress and will not be completed for centuries.

Mr. Cannon pointed out there are many occasions for donating to the Arboretum, and residents may want to consider a donation in celebration of an anniversary or the birth of a child or grandchild, as well as in memory of a loved one.

Mr. Green felt other communities will be looking at Clinton Township as having a vision by taking this action in establishing an arboretum. He thanked the Board for their support.

Motion by Ms. West, supported by Mr. Hornung, to receive and file the letter dated April 14, 2009 from the Township Supervisor and acknowledge and confirm commitment to proceed with the expanded scope of the Tomlinson Arboretum, as outlined in the correspondence. Roll Call: Ayes – West, Hornung, Reynolds, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

5. REQUEST FOR ENERGY AUDIT OF ALL TOWNSHIP FACILITIES

Mr. Cannon noted that Item #13 on tonight's agenda should be addressed along with this item, so he will be requesting to move Item #13 up after this item.

Mr. Pearl explained that the budget is tight, and it is extremely important to save money wherever possible. He stated he was provided a list from Congressman Levin's office indicating that there are grants available for this purpose, with Michigan to be receiving millions of dollars in grant money. He suggested possibly a committee could be formed to look at obtaining grant money to conduct the audit. He felt all Township buildings need to be looked at, with regard to lighting, heating, cooling and electrical usage.

Motion by Mr. Cannon, supported by Ms. West, to receive, file and concur with the letter dated April 13, 2009 from Trustee Pearl to authorize an energy audit of all Township facilities, at no cost to the Township. Roll Call: Ayes – Cannon, West, Reynolds, Hornung, Pearl, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

Motion by Mr. Sowerby, supported by Mr. Fitzgerald, to suspend the rules to allow an agenda item to be moved. Roll Call: Ayes – Sowerby, Fitzgerald, Reynolds, Hornung, Pearl, Cannon, West. Nays – None. Absent – None. Motion carried.

Motion by Mr. Sowerby, supported by Mr. Fitzgerald, to move Item #13 (Appoint Energy Optimization Committee) to Item #5A because it is directly related to Item #5. Roll Call: Ayes – Sowerby, Fitzgerald, Reynolds, Hornung, Pearl, Cannon, West. Nays – None. Absent – None. Motion carried.

5A. APPOINT ENERGY OPTIMIZATION COMMITTEE [formerly Item #13]

Mr. Reynolds offered to serve on this Committee.

Motion by Mr. Cannon, supported by Ms. West, to receive and file the letter dated April 13, 2009 from the Assistant Superintendent of the Department of Public Works and authorize the formation of a committee to develop a program and strategy to examine and implement the new Energy Optimization and Energy Efficiency and Conservation Block Grant Fund, with the committee to be comprised of Mr. Brian Girard, Assistant Superintendent of the Department of Public Works; Mr. George Westerman, Superintendent of the Department of Public Works; Mr. Carlo Santia, Director of Planning and Community Development; Mr. Joseph Silbernagel, Assistant Director of Planning and Community Development; Ms. Mary Bednar, Township Engineer; and Mr. Ken Pearl and Mr. Dean Reynolds, Township Trustees. Discussion ensued.

Ms. West indicated she has been working a lot with the stimulus package, and while deadline dates to file are often given, she is finding it is on a "first come, first served" basis, and the funds could actually be gone before the deadline date. She urged the Township not to delay when applying for these grants.

Mr. Westerman stated they have a meeting already scheduled for Monday, April 27th at 10:00 a.m. because they want to move quickly. He suggested Mr. James Renaud, of JFR Architects and Mr. Mitch O'Connor, Spalding DeDecker Associates may also want to be

part of this committee. He could not speak for Mr. O'Connor; however, he knew that Mr. Renaud would be willing to serve.

Mr. Sowerby felt that possibly this should remain an "internal" committee at this time. He acknowledged that Mr. O'Connor would be serving as engineering consultant, but he questioned in what capacity Mr. Renaud would be serving.

Mr. Westerman replied that Mr. Renaud has attended two seminars with regard to the stimulus money available for this program. He felt it is a good idea to have as many resources as possible.

Mr. Sowerby inquired as to whether Mr. O'Connor and Mr. Renaud would be monetarily reimbursed for their participation on this committee. He was concerned that this could become costly for the Township, and while he would have no objection to their voluntarily serving on the committee, he questioned the need to have them on the committee at a cost to the Township.

Mr. O'Connor appreciated the offer to serve on the committee and stated he would like to attend the April 27th meeting on a volunteer basis so they can make sure they are not duplicating efforts. He added that they can determine after that date whether he would continue to serve on that committee.

Mr. Sowerby felt that there is value to having Mr. Renaud and Mr. O'Connor serve on that committee, but he would only be in favor of it as long as there is no cost to the Township.

Mr. Cannon amended his motion to include Mr. Renaud and Mr. O'Connor on the committee, as long as there is no cost to the Township and their serving on the committee is on a volunteer basis.

Ms. West amended her support of the motion.

Roll Call (on amended motion): Ayes – Cannon, West, Reynolds, Hornung, Pearl, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

6. BID AWARD: S. NUNNELEY WATER MAIN REPLACEMENT CONSTRUCTION

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive, file and concur with the letter dated April 10, 2009 from Spalding DeDecker Associates and award the bid for the South Nunneley Water Main Replacement (CL08-007) to the low bidder, Macomb Pipeline & Utilities Company, in the amount of \$229,600.00 as outlined in the correspondence. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

7. GIS FILE TRANSFER AGREEMENT

Mr. O'Connor, Spalding DeDecker Associates, explained that this is a document that will authorize the transfer of the GIS electronic files from Spalding to the Township for further updating and maintenance.

Mr. Reynolds confirmed that the document has been reviewed by both Mr. Dolan and the Information Technology Committee.

Motion by Ms. West, supported by Mr. Cannon, to receive, file and concur with GIS File Transfer Agreement between Spalding DeDecker Associates and the Charter Township of Clinton, as presented, and authorize execution of the Agreement. Roll Call: Ayes – West, Cannon, Reynolds, Hornung, Pearl, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

8. AUTOMATIC READ BOX PURCHASE APPROVAL – WATER & SEWER DEPARTMENT

Mr. Pearl inquired as to whether the Township is currently using any of these transmitters.

Mr. Ken Jasinski, Superintendent of the Water & Sewer Department, replied that these are the current transmitters utilized by his department for the last three or four years. He informed that Ramar is no longer in business so they have been changing the read boxes a few at a time. Rio Supply Michigan Meter has taken over and extended similar pricing. He added that Rio made the same offer to Macomb Township and they accepted. Mr. Jasinski explained that when they have needed any of the devices, they have had to go to the supply house, and they have not always been in stock. This proposal is a way for the Township to reduce their cost and for Rio to anticipate and arrange scheduled shipment dates.

Mr. Pearl inquired as to how long the 20,000 wall mounted radio transmitters are anticipated to last.

Mr. Jasinski anticipated that over the next three years, they will be utilizing between \$18,000 and \$19,000, and the expected life on these is 10 years or more.

Mr. Cannon inquired as to the benefit of having these outdoor transmitters.

Mr. Jasinski explained that they read all Township meters every month. They read and bill a cycle a week, and having the outside meters allows them to do this in a timely manner. When the meters fail, it places delays on their department because they have to go out and recheck or estimate, which is something they do not like to do. He noted that they drive down the street and are able to get the readings almost as fast as they are

driving. The transmitter sends out a signal every couple of seconds and the device reads the signal. He noted they have been experiencing more failures, and it has been taking them longer, which is why they are seeking permission to purchase the replacements.

Mr. Pearl stated that, while he hates for the Township to have to spend the money at this time, he was glad they were able to obtain aggressive pricing.

Motion by Mr. Reynolds, supported by Ms. West, to receive, file and concur with the letter dated April 13, 2009 from the Superintendent of the Water and Sewer Department and approve the purchase agreement for the Automatic Read Boxes from Rio Supply Michigan Meter Inc., not to exceed 20,000 Neptune 900 wall-mounted radio transmitters at a discounted cost of \$69.48, with scheduled shipments over the next two years to complete the agreement, as outlined in the correspondence. Roll Call: Ayes – Reynolds, West, Hornung, Pearl, Cannon, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

9. REQUEST TO ATTEND GREAT LAKES HOMELAND SECURITY TRAINING CONFERENCE & EXPO

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive and file the letter dated April 9, 2009 from the Fire Chief and approve the request for Training Chief David McIntyre to attend the Great Lakes Homeland Security Training Conference & Expo, to be held in Grand Rapids from May 4th through 7th, 2009, with all costs for this training to be reimbursed by Homeland Security grant money. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

10. CONFLICT WAIVER – DEPARTMENT OF FIRE/RESCUE

Motion by Ms. West, supported by Mr. Sowerby, to receive and file the letter dated March 27, 2009 from the Fire Chief and grant the Conflict Waiver for Firefighter Aaron Rowe to perform work for the Fire Department as an employee for Hastings Air Energy Control. Roll Call: Ayes – West, Sowerby, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – Reynolds. Motion carried.

11. PERSONNEL VACANCY REVIEW COMMITTEE REPORT

Mr. Cannon announced that this is the first time since 1970 that positions in the Township have to be eliminated, resulting in layoffs. He added that this is the second worst day for him as Township Supervisor, with the worst day being the loss of a police officer in the line of duty. He has met with nearly every mayor and city manager of the Township's neighboring communities, and nearly every community already has been, or will be, laying off employees in their respective Building Departments because of a drastic slowdown of construction, resulting in less building permits being issued and less revenue being generated. Mr. Cannon explained that when the three Building Inspectors,

whose positions are being proposed for elimination, were hired, they were very much needed and the Township “got good people for the jobs”. There was a lot more construction taking place, with the development of Partridge Creek Subdivision and The Mall at Partridge Creek. There was new construction along Groesbeck with the development of the Meijers, the development of the Rose Gardens property, new homes going in across from Walt Disney Elementary School on Kelly Road, multiple-family developments in many areas, and those were just a few of the many projects taking place. He was confident that if the economy had not taken such a downturn, the Township would not be in the position it is in tonight facing the elimination of positions. Mr. Cannon stressed that, because they know it is a disruption to the department and the individuals involved, they are recommending that these positions not be eliminated until forty-five calendar days after Board approval, with the employees losing Township employment to be provided a health care severance package for a three-month period following separation. Michigan has one of the highest unemployment rates, so the Governor has granted emergency unemployment benefits to extend well beyond the time when the standard unemployment benefits run out, so there will be a cushion for these individuals.

Mr. Cannon compared the size of the Building Department to those of other similar size communities and commented that the Clinton Township Building Department, even with the layoffs, will still be one of the highest-staffed building departments in the area. He added that the state’s budget is dismal, as is the budget of every local community. He sits on the Board at Henry Ford Hospital, and has heard there are going to be substantial layoffs in their system. There are layoffs announced daily, with one of the automotive companies announcing today that thousands more will be laid off in the near future. Mr. Cannon explained that he brought this to the Vacancy Review Committee, they voted in favor of it and it is now coming before the Township Board.

Mr. Fitzgerald stated that he has served on this Board since 1995 and has “jumped through hoops” to keep employees from getting laid off, but he felt they are getting to a point where they are “running out of hoops”. He explained he has wrestled with this for weeks trying to come up with alternatives, and he has even talked with outside sources. He felt it is demoralizing and backward in every respect for a community to have to do this, and it is definitely one of the toughest issues a Board member has to address because it involves services to the community and dedication to employees.

Mr. Sowerby inquired as to whether the Board can separate the individual recommendations of the Personnel Vacancy Review Committee rather than voting on the entire recommendation as a whole.

Mr. Cannon replied he had no problem separating the items.

Mr. Sowerby inquired as to the process involved if a position reopens in the Building Department. He inquired as to whether the laid-off individuals have the first opportunity to apply.

Mr. Smith replied that, if the same position opens within a three-year period, they would go by reverse seniority; after three years, all rights are extinguished. He clarified the laid-off individual who had the most seniority would be offered the position first.

Mr. Sowerby inquired as to the process available to the individual who held the Office Clerk II position, if there is a layoff. He inquired as to whether she would be considered first for “internal postings” or whether she would be “one of the mix” of employees who apply.

Mr. Smith acknowledged that generally, collective bargaining rules supersede civil service rules. He replied that they go by position, not department; therefore, that individual would have the first opportunity at a position within the Technical Office Professionals bargaining unit. He added they also have the three-year period following the layoff and after the three years passes, all rights are extinguished.

Mr. Pearl stated he was not aware that this was going to come up this budget year but he recalled mentioning during the budget discussions that if this downward economic trend continues, the Township is going to have to go to the voters to generate more money to preserve the current services. The Board did not elect to do this, so they are now faced with cutting the budget. Mr. Pearl emphasized that he is not happy with having to lay off employees; however, being in the building industry for over 30 years, he could not recall seeing the situation any worse than it is right now. He could not see any sign of recovery for the building industry in the near future.

Mr. Hornung inquired as to whether these individuals who are proposed to lose their jobs will have any bumping rights.

Mr. Smith replied that they have bumping rights within their bargaining unit, so it would actually be the individual with the least seniority in the bargaining unit who will lose their job. Mr. Smith pointed out that if the Board approves all the recommendations made by the Personnel Vacancy Review Committee, he did not feel there will be any clerical employees who will lose their job, although they may be in a different position.

Mr. Fritz Birkam, resident of Shelby Township but one of the Building Inspectors/Ordinance Enforcement Officers slated to lose his job, stressed that he, along with his other colleagues who may also lose their jobs, has had a profound positive impact on this community. He felt that eliminating their positions will have a profoundly negative impact on the community. He stressed they have exceeded the Board's expectation in performing their duties, and have demonstrated professionalism and compassion in doing so. Mr. Birkam felt an “across-the-board” cut in pay and/or benefits for all employees would be a better option than “decimating one department”. He concluded by thanking the Board for hiring him and giving him the opportunity to have this job for the past years.

Mr. Kirk Rehn, also a resident of Shelby Township and one of the Building Inspectors/Ordinance Enforcement Officers proposed to lose his job, explained that their position ensures public safety. He cited the statistics of how many apartment/rental units have to be inspected, not to mention the ever-increasing number of foreclosed homes. He noted that police and firefighters are the “first responders”; however, the building inspectors and ordinance enforcement officers are the “first defenders” for public safety. They are each “Act 54” state-licensed, and are required to have over 4,000 hours of construction experience. Mr. Rehn commended the Board for the important and difficult decisions they must make, and he added that job eliminations and layoffs are just starting. He commented that it is one thing to cut office supplies from a budget, but it is another to cut out human beings and their livelihood. He thanked the Board for giving him the opportunity to serve this community and hoped that he will be able to serve them once again.

Mr. Dan Comstock, one of the Building Inspectors/Ordinance Enforcement Officers also proposed to lose his job, agreed with the comments made by his colleagues and also thanked the Board for the opportunity they gave him to serve this Township.

Mr. Barry Miller, union steward for the three inspectors, proposed that the Board delay action on this item for fourteen (14) days. He indicated that their union president and fellow building inspector, Mr. Skip Anderson, resigned today from representing these gentlemen and it has been “dumped” on him. He would like the opportunity to meet with fellow building inspectors from other communities and discuss, compare and contrast job duties and responsibilities. He stressed these three inspectors also act as ordinance enforcement officers, whereas many other communities have a separate Ordinance Enforcement division, so cutting these positions may have a much greater impact than it would in other communities.

Mr. Cannon emphasized that no one is being recommended to be let go because they did not do a good job. He recalled that when the developers of The Mall at Partridge Creek first met with him, he promised top quality inspectors, and he assured that is what they had. He added that this decision is strictly about economics. He stressed that before taking such a drastic step, he has done a lot of investigating in other communities and he added that, even after the proposed layoffs, Clinton Township will still have one more inspector than the City of Sterling Heights, which services an even larger community. Mr. Cannon again pointed out this is a terrible position to have to be in, and he knows and likes the employees who are proposed to be let go. He added, however, that very few communities would give their employees such a generous offer of keeping them on an additional 45 days, followed by another three months of medical coverage.

Mr. Miller reiterated he would still like the two weeks to talk to other communities. He was confident that Mr. Cannon had done a lot of research or otherwise he would not have brought this up; however, he explained he would like the opportunity to do some research of his own, especially since this was just “dumped” on him at the last minute.

Mr. Hornung stated he did not have a problem with postponing this, but he questioned whether this information could be distributed to the Board members well in advance of the next meeting so they have time to review it.

Mr. Miller assured he would get it to them in plenty of time for their review.

Mr. Hornung cautioned that there are no guarantees and the results may end up being the same, but he stated that before he makes a decision, especially one as serious as this, he likes to have as much information as possible.

Mr. Cannon felt postponing a decision on this will be “muddying up the waters”. He stressed he has done a lot of research on this before coming to this painful solution, but he pointed out that, unlike other departments, there has been no attrition in the Building Department. Mr. Cannon reminded that when the Planning Department lost individuals to retirement, they were not replaced. He added that positions were not filled in the Department of Public Works, Accounting, Assessing, along with other departments, including his own office. He noted that they lost a custodian position as well, but no one has retired for a long time in the Building Department, and had that occurred, he felt they may not be facing this situation tonight. He felt the Township cannot continue to fund when they do not have the money. Mr. Cannon explained that people pay user fees to the Building Department in the way of permit or inspection fees, and that amount has been reduced by more than 50% in the last two years. He cited the decrease from \$1,464,000 to \$700,000 in two years, and stressed that the work is no longer there.

Mr. Reynolds concurred with Mr. Hornung and felt that the matter could be postponed for two weeks, especially since this year’s budget is balanced.

Motion by Mr. Hornung, supported by Mr. Reynolds, to postpone action on the Personnel Vacancy Review Committee Report dated April 6, 2009, for two (2) weeks to allow the Union Steward for the Building Inspectors an opportunity to prepare a written statement, as he requested, and for that documentation to be submitted to the Board members well in advance of the next meeting. Discussion ensued.

Considerable discussion took place regarding whether postponing action on all of the items will create a problem for any of the departments involved.

Mr. Westerman and Mr. Jasinski both indicated it will set them back in their hiring of seasonal workers.

Ms. West recalled being in the difficult position in her employment of having to lay off 35 people at Christmas. She stressed that it was a very painful experience, and although she was coached to remain calm and not cry, she had an extremely difficult time. She added that she has been laid off twice and urged the Building Inspectors and the Clerk II to not lose hope and give up because they can leave knowing they have done a good job. She added the Township has been proud to have them as employees.

Mr. Mike Gentry, Assistant Superintendent of the Building Department, explained that he has been in this position for over three years, and he mentioned that Mr. Bob Nader, Mr. Don Buckbinder and Mr. Wayne Billings all retired from the Building Department.

Mr. Cannon agreed that there have been retirements, but he added that those vacant positions were then filled. He indicated he is not at liberty to mention specific communities, but he is aware of the fact that there will be more layoffs announced in some of them, and there have already been many layoffs in other communities. He maintained that Clinton Township, even after the layoffs, will still maintain one of the largest Building Departments in the area.

Mr. Gentry stated the Township has made a large investment in these inspectors, and they have been great employees, extremely helpful to the department.

Mr. Westerman replied to inquiry that if the positions in the Department of Public Works and the Water and Sewer Department are approved, these positions would be posted in house and any current employees would be eligible to apply. He inquired as to whether the position could be posted immediately.

Mr. Cannon replied they can be posted and the inspectors can apply for those positions.

Ms. Lisa Murray, Civil Service Director, explained that there is a current eligibility list for the Park Ranger Position, and it is open to Department of Public Works bargaining unit members only.

Mr. Westerman could not recall having a two-year eligibility list for park rangers.

Discussion ensued.

Ms. Murray noted that the Department of Public Works posted for a Park Ranger last year.

Mr. Smith felt that they can always ask Civil Service to waive the rules or generate a Letter of Understanding.

Mr. Pearl commented that when the school ran into issues with too many teachers, they offered early retirement incentives for eligible teachers. He inquired as to whether that could be considered in this case.

Mr. Cannon stressed that the Township does not have that provision. He noted that schools were doing that but soon discovered that in many instances, it was a mistake because the new replacement teachers soon caught up with regard to salary, and it resulted in minimal, if any, savings. Mr. Cannon added that the Township negotiates with 13 unions, and they would never see the end of it if this option were offered to some.

Mr. Sowerby felt this entire matter was to be dealt with at this meeting. He stated this is not about three fine individuals and their abilities, but as stewards to the taxpayers of this Township, this Board needs to look at the looming budget crisis. He did not feel there is any new information that will come out of waiting two weeks, and it definitely should not change acting on this tonight. He pointed out that, even if this is approved tonight, these positions will still remain in place for another 45 days, so if the Board were to hear something from Mr. Miller at the next meeting that would change their minds, they have the ability at the next meeting to change any action taken tonight. He pointed out that the economy is rapidly changing, and Michigan has been hit the worst. He felt next year, the Township will “hit the wall” and the Police, Fire and General Funds will all be millions of dollars in the red. He emphasized that he is not happy with what the Board has to do but he felt delaying it two weeks is delaying the inevitable. He reiterated that Mr. Miller can bring forth his findings in two weeks and if the Board needs to change or modify their action, they can do so, but he felt it is imperative that it be voted on tonight.

Mr. Hornung disagreed and felt if the Board votes on it tonight, then “what is done, is done”. He did not feel two weeks is an extended period of time, and he added that whatever material is presented may or may not make a difference in how the Board votes. He does not know what material will be presented, and although he appreciates the dire economic situation, he felt it is only two additional weeks. He offered to revise his motion to separate the recommendation on the seasonal workers so that does not hold up the departments.

Mr. Hornung revised his motion to postpone action on all requests except for the requests from Water Department and Department of Public Works to hire seasonal employees.

Mr. Reynolds agreed and supported the revision to the motion.

Mr. Jasinski stated that, while waiting two weeks to hire seasonal employees may set them back, he felt if they go forward with the rest of the Personnel Vacancy Review Committee’s recommendations at this time, it may eliminate any possibility for the Building Inspectors and Office Clerk II, should they get laid off, to apply for any of the job openings. He requested that, if the Board is postponing action on the Building Inspectors and Office Clerk II, that they postpone action on the remainder of the requests.

Mr. Hornung again revised the motion to revert back to his original motion to postpone the entire matter for two (2) weeks.

Mr. Reynolds supported reverting back to the original motion.

Roll Call: Ayes – Hornung, Reynolds, Pearl, Fitzgerald. Nays – Cannon, West, Sowerby. Absent – None. Motion carried.

12. COMPUTER SOFTWARE PURCHASE – POLICE DEPARTMENT

Mr. Fitzgerald noted that the letter indicates the cost will include training; however, it is indicated that there are updates that can be purchased at a later date. He inquired as to how much these updates will cost.

Police Chief Posavetz clarified that the \$5,604 purchase will pay for software and training. He noted that there may be updates available in the future but that is strictly optional and the software will run without the updates. He replied to further inquiry that he does not know what the updates cost but only that they are not required to purchase them to remain functional.

Motion by Mr. Fitzgerald, supported by Mr. Pearl, to receive and file the letter dated April 13, 2009 from the Police Chief and approve the purchase of Encase computer software for the Criminal Investigation Detective in the amount of \$5,605, which includes online training, with the money to be taken from funds received from the involvement in the Balkan Task Force, as outlined in the correspondence. Roll Call: Ayes – Fitzgerald, Pearl, Reynolds, Hornung, Cannon, West, Sowerby. Nays – None. Absent – None. Motion carried.

13. APPOINT ENERGY OPTIMIZATION COMMITTEE

This item was moved up in the meeting (See Item 5A).

14. REQUEST FOR NATIONAL DAY OF PRAYER

Mr. Fitzgerald noted that they received a letter from Pastor Mark Reynolds, requesting to honor National Day of Prayer with a brief gathering on the steps of the Civic Center, as has been done in past years. He stated there has never been a problem in the past with this event.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter from Pastor Mark Reynolds, requesting permission to honor National Day of Prayer in front of the Township Offices at noon on Thursday, May 7th, 2009, as outlined in the correspondence. Roll Call: Ayes – Sowerby, Reynolds, Hornung, Pearl, Cannon, West, Fitzgerald. Nays – None. Absent – None. Motion carried.

15. HIRING OF ARBORIST FOR ITC ISSUE

Mr. Dolan explained that this is a request to hire an arborist with regard to the ITC issue. He indicated that the Board members have received a copy of a resume for James Kielbaso, Professor Emeritus for Urban Forestry from Michigan State University. He would serve in the capacity of consultant at a rate of \$150 per hour. Mr. Dolan requested the Board authorize retention of Dr. Kielbaso at that rate.

Mr. Hornung inquired as to how many hours will be involved.

Mr. Dolan replied that he would be working in conjunction with Ms. Bednar and Mr. Santia to establish appropriate cutback distances. He noted this may depend somewhat upon the tree species but they are looking at a 5-year cutback. He did not know how much it will cost but he pointed out that the Board will be approving his bills, and they can provide periodic updates as to the status.

Ms. West inquired as to whether this rate includes travel time.

Mr. Dolan responded that Dr. Kielbaso would be traveling from Okemos, and most experts invoice their time from “portal to portal”. He felt that \$150 per hour for someone with his credentials is reasonable. Mr. Dolan reviewed what has transpired with ITC in the last few weeks. He noted that he prepared litigation, including the brief and supporting data. ITC received this and has indicated they want to take another opportunity to try to resolve the issue and have agreed to meet with representatives from the Township once again. He stated that the Township will need the opinion of an arborist with regards to establishing a “5-year cutback”.

Motion by Ms. West, supported by Mr. Sowerby, to receive and file the resume from Dr. James Kielbaso and authorize hiring him at a rate of \$150 per hour as a consultant to the Township in the ITC litigation, as recommended. Roll Call: Ayes – West, Sowerby, Reynolds, Hornung, Pearl, Cannon, Fitzgerald. Nays – None. Absent – None. Motion carried.

16. SCHEDULE CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS

Mr. Cannon informed that the Board will not be coming out of Closed Session.

Motion by Mr. Pearl, supported by Mr. Reynolds, to go into Closed Session immediately following tonight’s meeting for the purpose of discussing Contract Negotiations. Roll Call: Ayes – Pearl, Reynolds, Hornung, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

APPROVAL OF MINUTES OF APRIL 6, 2009 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Fitzgerald, supported by Ms. West, to approve the minutes of the April 6, 2009 Regular Board Meeting, as presented. Roll Call: Ayes – Fitzgerald, West, Reynolds, Hornung, Pearl, Cannon, Sowerby. Nays – None. Absent – None. Motion carried.

APPROVAL OF BILLS

Motion by Mr. Hornung, supported by Mr. Reynolds, to approve the bills as presented. Roll Call: Ayes – Hornung, Reynolds, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Reynolds, supported by Mr. Hornung, to adjourn the meeting. Roll Call: Ayes – Reynolds, Hornung, Pearl, Cannon, West, Sowerby, Fitzgerald. Nays – None. Absent – None. Motion carried. The meeting adjourned at 8:32 p.m. and went into Closed Session.

Respectfully submitted,

GEORGE FITZGERALD, CLERK
CHARTER TOWNSHIP OF CLINTON